



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2240

Introduced 2/26/2021, by Sen. Laura M. Murphy

SYNOPSIS AS INTRODUCED:

5 ILCS 415/5
5 ILCS 415/10
110 ILCS 205/13

Amends the Government Severance Pay Act. Modifies the definition of "severance pay" to apply to a university president or chancellor who is transitioning to a new position within the university for which he or she is employed, but excluding interim presidents and interim chancellors. Provides that a contract containing a severance pay provision must include, among other requirements, a requirement that if a provision to transition into a different position is included in a university president's or chancellor's contract, then the contract must include specified provisions. Amends the Board of Higher Education Act. Requires, beginning July 1, 2022, the Board of Higher Education to create and maintain on its Internet website an online trustee resource center that shall include specified information. Defines "Department". Effective immediately.

LRB102 17242 RJF 22708 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Government Severance Pay Act is amended by
5 changing Sections 5 and 10 as follows:

6 (5 ILCS 415/5)

7 Sec. 5. Definitions. As used in this Act:

8 "Department" means any branch, department, college, or
9 school of a university established by the board of trustees of
10 the university.

11 "Misconduct" includes, but is not limited to, the
12 following:

13 (1) Conduct demonstrating conscious disregard of an
14 employer's interests and found to be a deliberate
15 violation or disregard of the reasonable standards of
16 behavior which the employer expects of his or her
17 employee. Such conduct may include, but is not limited to,
18 willful damage to an employer's property that results in
19 damage of more than \$50, or theft of employer property or
20 property of a customer or invitee of the employer.

21 (2) Carelessness or negligence to a degree or
22 recurrence that manifests culpability or wrongful intent,
23 or shows an intentional and substantial disregard of the

1 employer's interests or of the employee's duties and
2 obligations to his or her employer.

3 (3) Chronic absenteeism or tardiness in deliberate
4 violation of a known policy of the employer or one or more
5 unapproved absences following a written reprimand or
6 warning relating to more than one unapproved absence.

7 (4) A willful and deliberate violation of a standard
8 or regulation of this State by an employee of an employer
9 licensed or certified by this State, which violation would
10 cause the employer to be sanctioned or have its license or
11 certification suspended by this State.

12 (5) A violation of an employer's rule, unless the
13 claimant can demonstrate that:

14 (A) he or she did not know, and could not
15 reasonably know, of the rule's requirements;

16 (B) the rule is not lawful or not reasonably
17 related to the job environment and performance; or

18 (C) the rule is not fairly or consistently
19 enforced.

20 (6) Other conduct, including, but not limited to,
21 committing criminal assault or battery on another
22 employee, or on a customer or invitee of the employer, or
23 committing abuse or neglect of a patient, resident,
24 disabled person, elderly person, or child in her or his
25 professional care.

26 "Severance pay" means the actual or constructive

1 compensation, including salary, benefits, or perquisites, for
2 employment services yet to be rendered which is provided to an
3 employee who has recently been or is about to be terminated, or
4 a university president or chancellor who is transitioning to a
5 new position within the university for which he or she is
6 employed, excluding interim presidents and interim
7 chancellors.

8 "Unit of government" means and includes all boards,
9 commissions, agencies, institutions, authorities, and bodies
10 politic and corporate of the State, created by or in
11 accordance with the constitution or statute, of the executive
12 branch of State government and does include colleges,
13 universities, and institutions under the jurisdiction of the
14 governing boards of the University of Illinois, Southern
15 Illinois University, Illinois State University, Eastern
16 Illinois University, Northern Illinois University, Western
17 Illinois University, Chicago State University, Governors State
18 University, Northeastern Illinois University, and the Board of
19 Higher Education. "Unit of government" also includes units of
20 local government, school districts, and community colleges
21 under the Public Community College Act.

22 (Source: P.A. 100-895, eff. 1-1-19.)

23 (5 ILCS 415/10)

24 Sec. 10. Severance pay.

25 (a) A unit of government that enters into a contract or

1 employment agreement, or renewal or renegotiation of an
2 existing contract or employment agreement, that contains a
3 provision for severance pay with an officer, agent, employee,
4 or contractor must include the following provisions in the
5 contract:

6 (1) a requirement that severance pay provided may not
7 exceed an amount greater than 20 weeks of compensation;
8 ~~and~~

9 (2) a prohibition of provision of severance pay when
10 the officer, agent, employee, or contractor has been fired
11 for misconduct by the unit of government; and -

12 (3) a requirement that if a provision to transition
13 into a different position is included in a university
14 president's or chancellor's contract, then the contract
15 must include which department he or she will transition
16 into, and a provision that compensation shall not exceed
17 the annual compensation of the highest paid employee in
18 the department, and that the annual salary shall be
19 commensurate with his or her assigned duties and rank as
20 determined by the Dean of the College, and with the
21 approval of the interim or acting president and the board
22 of trustees.

23 (b) Nothing in this Section creates an entitlement to
24 severance pay in the absence of its contractual authorization
25 or as otherwise authorized by law.

26 (c) Notwithstanding any other provision to the contrary,

1 this Act shall not apply to contracts or employment agreements
2 for individuals employed by the department of intercollegiate
3 athletics of a college or university when the employee's
4 compensation is funded by non-State-appropriated funds, such
5 as revenues generated by athletic events or activities, gifts
6 or donations, or any combination thereof. Nothing in this
7 Section entitles an individual employed by the department of
8 intercollegiate athletics of a college or university to
9 receive severance pay when that individual has been dismissed
10 for misconduct.

11 (Source: P.A. 100-895, eff. 1-1-19; 101-195, eff. 8-2-19.)

12 Section 10. The Board of Higher Education Act is amended
13 by changing Section 13 as follows:

14 (110 ILCS 205/13)

15 Sec. 13. Leadership training for university board members.

16 (a) The Board shall require every voting member of the
17 governing board of a public university appointed for a term
18 beginning after January 1, 2016 to complete a minimum of 4
19 hours of professional development leadership training covering
20 topics that shall include, but are not limited to, public
21 university and labor law, contract law, ethics, sexual
22 violence on campus, financial oversight and accountability,
23 audits, and fiduciary responsibilities of a member of a
24 governing board within 2 years after beginning service and

1 within every 2 years of service thereafter.

2 (b) A public university shall maintain on its Internet
3 website the names of all voting members of the governing board
4 who have successfully completed the training.

5 (b-5) Beginning July 1, 2022, the Board shall create and
6 maintain on its Internet website an online trustee resource
7 center that shall, at a minimum, do all of the following:

8 (1) provide updates on all statutes relevant to the
9 work of the governing boards of universities;

10 (2) include all of the documents and resources
11 provided to trustees during the professional development
12 leadership training course; and

13 (3) provide an online portal for trustees to submit
14 questions and receive answers from the Board.

15 (c) Beginning after the effective date of this amendatory
16 Act of the 99th General Assembly, by July 31 of each year, the
17 chairperson of each governing board shall certify to the Board
18 the number of hours of training that each member received
19 during the preceding fiscal year.

20 (d) If the certification indicates that a board member has
21 not completed the training required under this Section, the
22 Board shall send a notice to the Governor, the President of the
23 Senate, the Minority Leader of the Senate, the Speaker of the
24 House of Representatives, and the Minority Leader of the House
25 of Representatives of that fact, and the governing board shall
26 suspend the board member from continued service, at which

1 point, the board member has 45 days to complete all training
2 deemed incomplete as provided by the certification. Failure of
3 the board member to complete the necessary training within
4 this probationary period constitutes a resignation from and
5 creates a vacancy in the governing board, to be filled as
6 provided by law.

7 (e) The training under this Section may be provided by the
8 Board or by other qualified providers approved by the Board.

9 (Source: P.A. 99-695, eff. 1-1-17.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.